

# Indiana Gang Law

**A gang is defined as the association of 3 or more persons who identify with a common symbol, name or sign; and who engage in criminal activity.**

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## IC 35-45-9

Chapter 9. Criminal **Gang** Control

### IC 35-45-9-1

#### "Criminal gang" defined

Sec. 1. As used in this chapter, "criminal **gang**" means a group with at least three (3) members that specifically:

(1) either:

(A) promotes, sponsors, or assists in; or

(B) participates in; or

(2) requires as a condition of membership or continued membership;

the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery (IC 35-42-2-1).

*As added by P.L.180-1991, SEC.11. Amended by P.L.140-1994, SEC.5; P.L.192-2007, SEC.9.*

### IC 35-45-9-2

#### "Threatens" defined

Sec. 2. As used in this chapter, "threatens" includes a communication made with the intent to harm a person or the person's property or any other person or the property of another person.

*As added by P.L.180-1991, SEC.11.*

### IC 35-45-9-3

#### Participation in criminal **gang**; offense

Sec. 3. A person who knowingly or intentionally actively participates in a criminal **gang** commits criminal **gang** activity, a Class D felony.

*As added by P.L.180-1991, SEC.11.*

### IC 35-45-9-4

#### Threats; refusal to join or withdrawal from **gang**; intimidation offense

Sec. 4. A person who threatens another person because the other person:

(1) refuses to join a criminal **gang**; or

(2) has withdrawn from a criminal **gang**; commits criminal **gang** intimidation, a Class C felony.

*As added by P.L.180-1991, SEC.11.*

### IC 35-45-9-5

#### Criminal **gang** recruitment

Sec. 5. (a) Except as provided in subsection (b), an individual who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal **gang** commits criminal **gang** recruitment, a Class D felony.

(b) The offense under subsection (a) is a Class C felony if:

(1) the solicitation, recruitment, enticement, or intimidation occurs within one thousand (1,000) feet of school property; or

(2) the individual who is solicited, recruited, enticed, or intimidated is less than eighteen (18) years of age.

*As added by P.L.192-2007, SEC.10.*

### **IC 35-45-9-6**

#### **Restitution**

Sec. 6. In addition to any sentence or fine imposed on a criminal **gang** member for committing a felony or misdemeanor, the court shall order a criminal **gang** member convicted of a felony or misdemeanor to make restitution to the victim of the crime under IC 35-50-5-3.

*As added by P.L.192-2007, SEC.11.*

### **IC 34-6-2-6**

#### **"Aggrieved person"**

Sec. 6. "Aggrieved person", for purposes of IC 34-24-2, means any of the following:

(1) A person who has an interest in property or in an enterprise that:

(A) is the object of corrupt business influence (IC 35-45-6-2); or

(B) has suffered damages or harm as a result of corrupt business influence (IC 35-45-6-2).

(2) An individual whose personal safety is threatened by criminal **gang** (as defined in section 32 of this chapter) activity.

(3) An individual or a business whose property value or business activity is negatively affected due to criminal **gang** (as defined in section 32 of this chapter) activity.

(4) A political subdivision in which criminal **gang** (as defined in section 32 of this chapter) activity negatively affects the property values or business activity of the political subdivision or the personal safety of the political subdivision's residents.

(5) The state.

*As added by P.L.1-1998, SEC.1.*

### **IC 32-21-6-3**

#### **"Psychologically affected property" defined**

Sec. 3. As used in this chapter, "psychologically affected property" includes real estate or a dwelling that is for sale, rent, or lease and to which one (1) or more of the following facts or a reasonable suspicion of facts apply:

(1) That an occupant of the property was afflicted with or died from a disease related to the human immunodeficiency virus (HIV).

(2) That an individual died on the property.

(3) That the property was the site of:

(A) a felony under IC 35;

(B) criminal **gang** (as defined in IC 35-45-9-1) activity;

(C) the discharge of a firearm involving a law enforcement officer while engaged in the officer's official duties; or

(D) the illegal manufacture or distribution of a controlled substance.

*As added by P.L.2-2002, SEC.6.*

### **IC 35-47-4-5**

#### **Unlawful possession of firearm by serious violent felon**

Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

(A) Indiana; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

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(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

(4) battery as a:

(A) Class A felony (IC 35-42-2-1(a)(5));

(B) Class B felony (IC 35-42-2-1(a)(4)); or

(C) Class C felony (IC 35-42-2-1(a)(3));

(5) aggravated battery (IC 35-42-2-1.5);

(6) kidnapping (IC 35-42-3-2);

(7) criminal confinement (IC 35-42-3-3);

(8) rape (IC 35-42-4-1);

(9) criminal deviate conduct (IC 35-42-4-2);

(10) child molesting (IC 35-42-4-3);

(11) sexual battery as a Class C felony (IC 35-42-4-8);

(12) robbery (IC 35-42-5-1);

(13) carjacking (IC 35-42-5-2);

(14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));

(15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);

(16) assisting a criminal as a Class C felony (IC 35-44-3-2);

(17) resisting law enforcement as a Class B felony or Class C felony (IC 35-44-3-3);

(18) escape as a Class B felony or Class C felony (IC 35-44-3-5);

(19) trafficking with an inmate as a Class C felony (IC 35-44-3-9);

(20) criminal **gang** intimidation (IC 35-45-9-4);

(21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);

(22) incest (IC 35-46-1-3);

(23) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

(24) dealing in methamphetamine (IC 35-48-4-1.1);

(25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(26) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

(27) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.

*As added by P.L.247-1999, SEC.1. Amended by P.L.14-2000, SEC.76; P.L.17-2001, SEC.17; P.L.222-2001, SEC.5; P.L.151-2006, SEC.21.*